SPME

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR 24 PM 12:27
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

'08 MJ 1257

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Docket No.
v.	)	COMPLAINT FOR VIOLATION OF:
Juan Manuel GUERRERO-Robles, Defendant	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 22, 2008** within the Southern District of California, defendant, **Juan Manuel GUERRERO-Robles,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th DAY OF APRIL 2008.**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

JOWE

CONTINUATION OF COMPLAINT:
Juan Manuel GUERRERO-Robles

PROBABLE CAUSE STATEMENT

On April 22, 2008, Supervisory Border Patrol Agent O. Alvarez, observed a metallic beige Mercury sports utility vehicle bearing California license plate 6CBC643, which was driving eastbound on State Route 905. Agent Alvarez was traveling westbound on 905 in his marked bureau vehicle when he noticed the vehicle. SBPA Alvarez made a U-turn and began observing the vehicle from a distance. The vehicle continued to travel onto Alta Road, which is notorious for the presence of illegal aliens and illegal alien load vehicles. Agent Alvarez noticed the vehicle had two occupants and the vehicle kept swerving toward the right shoulder in an effort to see if they were still being followed by Agent Alvarez. Agent Alvarez continued to observe the vehicle from two cars behind. Agent Alvarez followed the vehicle to Desert View Auto Auctions, located at Otay Mesa Road, San Diego, California. Agent Alvarez observed the vehicle go around other vehicles waiting to enter the facility. Agent Alvarez believing the driver of the vehicle was attempting to evade him, initiated a vehicle stop inside the parking lot of Desert View Auto Auctions. The driver acknowledged his lights and siren and motioned to Agent Alvarez that he was pulling over up the road. The vehicle stopped on a different parking row from the one Agent Alvarez was at.

Agent Alvarez was driving a large transport vehicle which made it difficult to maneuver in the Desert View Auto Auction parking lot, so Agent Alvarez exited his vehicle and began to walk towards the stationary vehicle which was now facing his direction. Agent Alvarez approached the vehicle and when he was approximately 20-30 feet from the vehicle, the driver of the vehicle gunned his engine and accelerated towards Agent Alvarez. Agent Alvarez managed to jump out of the way of the vehicle as it was accelerating towards him. The vehicle continued his high speed flight out of the parking lot narrowly missing other pedestrians that ran out of the way of its path.

Agent Alvarez contacted Border Patrol dispatch to report the incident and gave the direction of travel of the vehicle. SBPA Alvarez lost sight of the vehicle and requested Air Support to scan State Route 125 for the vehicle. Air Support observed a vehicle matching the description heading north on State Route 125 at approximately 11:00 A.M. Agents responded to the registered owners address and began surveillance. At approximately 12: 10 P.M., Agents B. Soto E. Blas and A. Kahl observed a vehicle matching the description and license plate of the beige Mercury SUV. The vehicle entered the apartment complex and parked. Agent Blas observed a male subject exit the vehicle and begin to walk towards Apartment #10. Agent Kahl, Blas and Soto approached the subject and identified themselves as a United States Border Patrol Agent by displaying their bureau issued badge and credentials. Agent Kahl questioned the subject as to his identity and immigration status. The subject identified himself as **Juan Manuel GUERRERO-Robles**, a citizen and national of Mexico. Agents questioned the defendant if he had any immigration documents that would allow him to enter or remain in the United States legally. The defendant stated that he did not. The defendant further admitted that he had just arrived from the Auto Action in Otay Mesa, California and said he was driving a light tan or silver SUV. At approximately 12:16 P.M., the defendant **Juan Manuel GUERRERO-Robles** was arrested and transported to the Chula Vista Border Patrol Station.

SPME

CONTINUATION OF COMPLAINT:
Juan Manuel GUERRERO-Robles

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 30, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.